REMARKS

Claims 1, 4, 6-11, 19-22 and 24-26 are pending in this application. Claim 1 is amended and new claims 25 and 26 are submitted herein. Claims 2-3, 5, 12-18 and 23 are canceled. Support for the amendments can be found throughout the specification, e.g., Figures 1-11. No new matter is presented.

I.   Rejection under 35 USC § 103

The Examiner rejected claims 1, 4, 6-11 and 19-24 as being unpatentable over U.S. Patent No. 7,222,120 (Mindrum) in view of U.S. Patent No. 6,669,975 (Abene et al.). In view of the claim amendments, this rejection is rendered moot. In addition, this rejection is respectfully traversed for reasons discussed herein.

In order to establish a prima facie case of obviousness, the Examiner must demonstrate that the prior art (i) teaches or suggests every claim limitation, (ii) provides a motivation to combine (or modify) the teachings of the selected references, and (iii) provides a reasonable expectation of success. *In re Vaeck*, 947 F.2d 488,20 USPQ2d 1438 (Fed. Cir. 1991); MPEP § 2143. Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, "there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness". *KSR Int '1 Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007) (quoting *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006)). Thus, in order to establish a prima facie case of obviousness, it is necessary for the Examiner to identify the reasons why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed. Applicants respectfully submit that there is no reasoned analysis or rationale that supports a combination of the disparate teachings cited by the Examiner in a manner that results in Applicant's claimed invention.

The Examiner has failed to establish a *prima facie* case of obviousness. The Examiner asserts that Mindrum discloses, e.g. cols. 1-7, conducting an online transaction comprising providing at least on computer serve, e.g. Fig. 2, for use on the world wide web, where users may be provided a unique identification in creating an account, e.g. cols. 5-7, lines 59-45, and charging a fee for the services. Furthermore, the Examiner asserts that newly cited Abene et al. reference "discloses obtaining information regarding pet-related services from a plurality of sources and providing results

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and feedback to a user". OA, p. 2. No other reasoning, factual or otherwise, is provided in support of the obviousness rejection.

The instant claims provide multiple elements which are not taught or suggested by combined references. For example, independent claim 1 requires linkage to "multiple sources of pet-related information and services". Claim 1 also requires a remote user to send and receive commands. In addition, independent claims 1, 19 and 21 require "permitting remote users" access to "a plurality of associated sources and vendors". Further, independent claims 1 and 19 require "a pet calculator that prompts specific input from a remote user....whereby said remote users obtain information...from a plurality of associated sources and vendors...". At least the foregoing claim elements are not rendered obvious by the cited art. Therefore, independent claims 1, 19 and 21 (and dependent claims therefrom) are patentable over the cited prior art, as further discussed below.

In reviewing the entirety of Mindrum, the teachings are distilled down to a registry system which provides for information upload and retrieval. Indeed, Mindrum discloses that the on-line system disclosed is a "registry system" where information is uploaded, may be stored, and can be retrieved by a user. (e.g., Mindrum, col. 4-6 and col. Lines 1-34). More particularly, a single reference to "pet" is provided in the context of obtaining *registry information*, such as information associated with a deceased individual.

Therefore, Mindrum merely discloses retrieval of stored data based on search of registry information. There is no teaching or suggestion of the claim element "Pet Calculator" as present in independent claims 1, 19, and 21, and as further described in the instant application's disclosure. For example, as the instant application provides, a "pet calculator" provides the user options for the care of living, existing or prospective pets, which requires more than simple information retrieval. (e.g., specification , p. 13, ll. 5-20). More particularly, the instant invention requires some *analysis* of user-input information and providing *feedback* subsequent to such analysis.

Indeed, as recited in the independent claims and as disclosed in the instant specification, the *pet calculator* performs analysis based on the input provided by the user, as well as providing feedback. (e.g., Specification, page 14, lines, 5, 12, 22-25; page 15, lines 10-12). Mindrum does not teach or suggest a system or methods for conducting *pet-related services*, but rather is limited to registering and retrieving simple information. In fact, Mindrum does not teach or suggest

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performing any analysis as is required by the instant claims. Therefore, on this point alone, the instant claims are unobvious over Mindrum.

Moreover, regarding dependent claims 4, 6-11, 20-22 and 24, it is respectfully asserted that a *prima facie* case of obviousness has not been established. In fact, there is nothing the Office Action that addresses the further limitations provided in the dependent claims. In addition, regarding independent claim 19, there is a requirement for *pet selection*, which is a claim element Mindrum does not disclose or suggest.

Furthermore, the secondary reference Abene does not cure the deficiencies of Mindrum. Abene is directed to a singular invention consisting of a customized dietary health management system for pets where input data consists of individuals pet's attributes and physical conditions. This information is tabulated to select one formulation of the pre-made dry kibble based on an individual pet's attributes and physical conditions in order to provide a customized dry pet food product. There is no teaching or suggestion of *multiple sources* of pet-related services. As discussed above, Mindrum is a simple registry system and Abene provides for simple input to a single source.

Therefore, alone or in combination, the references fail to teach or suggest a plurality of pet-related sources or vendors. Furthermore, the combined references do not meet the claim requirement for a "calculator" that "analyzes" input and provides "specific results and feedback to the remote user" (e.g., Claims 1 and 19). Indeed, Mindrum does not teach or suggest this step, and in Abene the only mention of "feedback" is limited to adjusting the input to modify the customized diet. *See,* Abene, Example 1. In sharp contrast, the "pet calculator" claim element requires analysis followed by feedback, which includes suggestions to the remote user. There is no teaching or suggestion for *prompting* a remote user, and for the remote use to *send and receive commands* from the computer system.

In addition, it is noted that the Examiner has rejected multiple dependent claims based on Mindrum and Abene, but has not provided any citations in the Abene reference in support of these rejections. Furthermore, no reasoned analysis or basis for rejection is provided as to the dependent claims. It appears the Office Action is limited to the independent claims. Therefore, given the lack of any teaching or suggestion in the cited art, and given the lack of reasoned analysis or basis for rejection, it can only be presumed that the dependent claims are patentable. Therefore, at least as to

the dependent claims 4, 6-11, 20, 22 and 24-26, the rejection must be withdrawn or reasoned analysis must be provided in support of the alleged unpatentability.

Moreover, the Examiner has not provided any rationale or factual basis as to why the two references should be combined in the first place. As noted previously, Mindrum is a simple registry system and Abene provides for input of standardized information to formulate pet food. More particularly, Mindrum is directed to retrieval of information related to a deceased individual, while the Abene reference is directed to inputting information related to a pet to determine a customized pet-food. The teachings are disparate and do little to solve the same or even a related problem. As such, it appears the different teachings are being abstracted together to improperly attempt to reach the claimed invention using applicant's own application as a roadmap. In other words, the Examiner is using improper hindsight reasoning to pick and choose different teachings from the cited art.
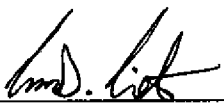
In sum, Mindrum and Abene do not teach or suggest every claimed element. Furthermore, the Examiner has failed to sufficiently articulate a rationale for combining the teachings of the two references or for that matter where in Abene the purported teachings if any are present. In view of the foregoing, it is respectfully asserted that this rejection should be reconsidered and withdrawn.

CONCLUSION

In light of the remarks set forth above, Applicant believes that all the claims are in condition for allowance. Applicant respectfully requests that this patent application to promptly be passed to issuance. The Examiner is encouraged to telephone the undersigned with any question related to this application.

Respectfully submitted,
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